

Remarks/Arguments

In the December 28, 2007 Office Action, the Examiner rejects Claims 1-18 under 35 USC § 103(a). To better clarify the invention, Applicant has amended Claims 1, 5, 6, 11-12 and 14-18. Claims 2-4 and 7-10 are cancelled without prejudice. New Claims 19-29 has been added. Support for the amendments and the new claims are provided throughout the specification. Claims 1, 5-6 and 11-29 are now pending of which Claims 1, 6, 12, 14 and 19 are independent. Applicant respectfully requests reconsideration of the patentability of the claims of the present application in view of the following remarks.

Rejection Under 35 USC § 102(e)

Claims 1-5 and 14-18

The Examiner rejects Claims 1-5 and 14-18 under 35 USC § 102(e) as being anticipated by Basso (US Patent No. 7,065,086). Applicant overcomes the rejection based as follows.

An anticipation rejection under § 102 requires that “every element of the claimed invention must be identically shown in a single reference.” *In re Bond*, 910 F.2d 831 (Fed. Cir. 1990). “There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention.” *Scripps Clinic & Research Foundation v. Genentech, Inc.*, 927 F.2d 1565 (Fed. Cir. 1991).

Basso does not disclose “a method for transmitting Internet Protocol (IP) datagrams from a host system via a hardware offload engine that is used for completely offloading transmission control protocol (TCP)/IP protocol stack processing from the host system, comprising:

(a) creating an input/output control block (“IOCB”) with a plurality of host memory addresses for a memory location within a host memory storing host data for

transmission and a host memory address of a network control block (“NCB”), the NCB being used for building network protocol headers,

(b) sending the IOCB to the hardware offload engine; wherein the host sends the IOCB to an outbound processor of the hardware offload engine;

(c) accessing the NCB stored at the host memory; wherein the outbound processor of the hardware offload engine reads the NCB from host memory using the IOCB;

(d) creating an IP header and media access control (MAC) level protocol header for a single IP packet, if a datagram can fit into the single IP packet; wherein the outbound processor, and not the host system, builds the IP and MAC header based on NCB fields;

(e) transmitting the datagram from step (d); wherein the hardware offload engine transmits the datagram as a single IP packet;

(f) if a datagram size is greater than a certain size, then generating a plurality of IP packets for transmitting the datagram, where each IP packet is a fragmented IP datagram; wherein the outbound processor of the hardware offload engine generates the plurality of IP packets, sets an IP packet length field in a last of the plurality of IP packets, such that the IP packet length field in the last IP packet is different from a IP packet length field value in the other plurality of IP packets; and

(g) setting a flag in each fragmented IP datagram for indicating which fragmented IP datagram is transmitted by the hardware offload engine.” (Amended Claim 1)

Amended Claim 1 is based on process steps that are executed partially in a hardware offload engine that is used to “completely” offload TCP/IP stack execution from a host system to the hardware offload engine. The steps disclosed herein are a part of that offload process. Basso does not disclose a hardware based offload engine, as articulated in amended Claim 1. Therefore, amended Claim 1 is patentable over Basso. Applicant respectfully request allowance of amended Claim 1.

Claim 5 depends from Claim 1 and hence is patentable over Basso based on at least the reasons given above with respect to Claim 1. Applicant respectfully requests allowance of Claim 5.

Claim 14 includes limitations similar to Claim 1 and is patentable over Basso at based on at least the reasons given above with respect to Claim 1. Applicant respectfully requests allowance of Claim 14.

Claims 15-18 depend from Claim 14 and hence are patentable over Basso based on at least the reasons given above with respect to Claim 14. Applicant respectfully requests allowance of Claims 15-18

Claims 6-12:

The Examiner rejects Claims 6-12 under 35 USC § 102(e) as being anticipated by Bilic (US Patent No. 7,050,437). Applicant overcomes the rejection based as follows.

Bilic fails to disclose Claims 6-12, at least based on the reasons given above with respect to Claim 1. Bilic shows a network card that process TCP/IP packets. However, the network card of Bilic does not completely offload TCP/IP protocol processing from a host to the hardware engine, as articulated in Claim 6 and Claim 12. Therefore, Claims, 6, 11 and 12 are patentable over Bilic. Applicant respectfully request allowance of pending Claims 6, 11 and 12.

Claim 13:

The Examiner has not referenced Claim 13 and Applicant request a response on amended Claim 13.

New Claims 19-29:

New Claims 19-29 are patentable over the cited art for at least the reasons given above. Applicant respectfully requests allowance of new claims 19-29.

Conclusion

For the foregoing reasons, Applicant believes Claims 1, 5-6 and 11-29 are allowable, and a notice of allowance is respectfully requested. If the Examiner has any questions regarding the application, the Examiner is invited to call the undersigned at (949)-955-1920.

Respectfully submitted,

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